

## **DEPARTMENT OF CORRECTIONS (DOC)**

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### **Programs**

*Victim Impact Panels - certain facilities*  
*Victim-Offender Dialogue - victim initiated case-by-case process*  
*Offender Accountability Letters - voluntary, offender initiated*  
*Restitution Collection and Disbursement - court-ordered*

### **Staffing**

A victim programs manager within the department's director's office spends about 40% of her time on restorative justice. The manager is responsible for:

- ▶ providing technical assistance to facilities implementing victim services or restorative justice programs;
- ▶ responding to all departmental victim inquiries and requests;
- ▶ managing the automated victim notification service;
- ▶ conducting and coordinating victim services training;
- ▶ identifying victims willing to speak on victim impact panels; and
- ▶ appointing volunteer facilitators for victim-offender dialogue cases.

A drill instructor at the Treasure State Correctional Training Center (boot camp) spends about 60% of the instructor's time facilitating the victim impact panel program and the boot camp.

The DOC collection unit consists of 8 FTE and is funded entirely by administration and supervision fees paid by offenders.

### **Funding**

There is no itemized budget for restorative justice programs in the DOC. The victim programs manager position and office support is funded as part of the budget for the Director's office. The victim programs manager is allocated a budget to reimburse volunteers for mileage and meals when they travel to facilitate dialogues, participate on impact panels, or present at training events.

The current budget for this reimbursement to volunteers is \$4,290, although the manager had requested \$7,000 to continue supporting the programs at the present level. A typical victim impact panel costs about \$400 (assuming 2 volunteers, no overnight expenses, and less than 100 miles of travel one-way).

The victim programs manager reports that she suspended the victim-offender dialogue program for the last two months of fiscal year 2011 and did not schedule additional victim



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impact panels for the remainder of the fiscal year because there was not enough funding to continue to reimburse volunteers for mileage and meals.

### **Program Summaries**

#### *Victim Impact Panels:*

Boot Camp: Victim impact panels have been conducted at the Treasure State Correctional Training Center since 1997. All boot camp offenders must complete a 12-week class that includes instruction on criminal thinking, anger management, accountability, etc. This course is followed by a presentation from and discussion with a panel of crime victims. The panels are conducted every 6 weeks. The 2 to 4 panel members are volunteers and are not victims of any of the offenders who attend the panel presentations. The volunteers talk about how the crime affected them individually, their families, and their communities. Offenders may ask questions during the presentations. The objectives of the panels are to give victims a voice, help facilitate healing for the victims, and sensitize offenders.

Helena Prerelease Center: The victim programs manager provides technical assistance to the Helena Prerelease Center, which is a contract facility operated by Boyd Andrew Community Services. The prerelease center recently incorporated victim impact panels into its programming. The prerelease center has conducted 5 panels so far, with about 20 to 30 offenders attending each panel discussion. Before an offender may attend, the offender must successfully complete a 5-6 week victim impact curriculum taught by center director Amy Tenney. Director Tenney selects the offenders for this program based on their crimes, prior treatment, suitability, etc.. The Helena Prerelease Center is providing a model for other correctional facilities interested in incorporating victim impact panels into their programming.

Great Falls Prerelease Center: The Great Falls Prerelease Center, also a contract facility, established victim impact panels in 1997 as part of its programming and does not rely on DOC's victim programs manager for technical assistance. According to the prerelease center's website, its victim impact program "educates residents on the effects of crime on victims, families, and the community. The course emphasizes both short and long term consequences of the residents criminal act or acts and includes a wide range of crimes beginning with property crimes and ending with crimes against persons, including the aftermath of homicide. One of the salient features of this program is the use of speakers in a Victim Impact Panel format. Crime victims effectively address residents in group and community settings which serve to foster empathy for the resident and a sense of healing for the speaker as their contribution may help prevent future crime."



## **RESTORATIVE JUSTICE INVENTORY**

*For the Law and Justice Interim Committee  
2011-2012 Interim*

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### *Victim-Offender Dialogue:*

The victim of a crime committed by an offender under DOC supervision may request a face-to-face meeting with the offender to discuss the crime. The program is voluntary. If the offender agrees to participate, the dialogue occurs only after months of individual preparation with the victim and the offender. A trained volunteer and DOC's victim programs manager facilitate the dialogue. The dialogue is conducted according to strict regulations to ensure no one is harmed or abused.

According to DOC's victim programs manager, 10 victim-offender dialogues have been conducted since 2007. Crimes involved included deliberate homicides, aggravated assaults involving weapons, negligent (DUI) homicides, felony assaults on children, and incest. The victim programs manager, prison staff, and volunteers have conducted initial interviews with victims and offenders in dozens of additional cases that have not resulted in actual dialogues.

DOC's victim programs manager reports that DOC does not envision victim-offender dialogues as a means of effecting substantial change in the prison population, but says it remains committed to the program because some victims desperately need answers from their offenders in order to move forward in the healing process.

### *Letters of Accountability:*

Offenders who demonstrate a sincere desire to apologize to their victims may write an accountability letter for deposit in the victim programs manager's office.

Offenders are informed about the opportunity to write these letters by DOC staff, including case managers, probation officers, prison treatment specialists, and victim services staff. These DOC staff learn about the program at victim services training provided by the Victim programs manager. Informational brochures are also distributed to DOC staff. Offenders are provided with a checklist guide to help them in their letter-writing. Offenders may not mail their letters directly to victims. However, victims may access these letters if they choose. The letter remains on file indefinitely.

The victim programs manager receives about 10 offender accountability letters each month. Although most of these letters are returned to the offenders for revision, about 70% of the letters submitted are ultimately completed and filed. Unless the victim has a restraining order against the offender, the victim programs manager informs the victim that the letter is available. According to DOC, most of the victims contacted do want to see the letters.



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### *Restitution Collection:*

According to DOC, \$2.86 million in court-ordered restitution was collected and dispersed to victims in FY 2011. DOC collects restitution from about 26,000 offenders. About 13,000 offenders are under DOC supervision at any one time. However, offenders still obligated to pay restitution after completing their supervisory sentence must continue to pay restitution to DOC. Further information from DOC on restitution collection is provided at *Attachment A*.

### **Evaluation**

DOC has no formal or scientific evaluation process for its restorative justice programs due to funding and time limitations. Also, the goal of these programs is to promote healing for all parties involved and that is difficult to evaluate and quantify. However, according to DOC, feedback from victims and offenders has been very positive.

### *Victim Impact Panels:*

Offenders who attend victim impact panels at boot camp write letters to the victim speakers. The letters reflect a 100 percent positive response from offenders. However, the offenders write these letters immediately after attending the panel and so do not reflect whether attending the panel had any long-term effect. DOC reports that the Boot Camp has implemented a testing process to measure the impact of the panels presentations on offenders.

### *Victim-Offender Dialogue:*

The victim programs manager and volunteer facilitators conduct post-dialogue interviews and periodic follow-up visits with all victims and offenders who participate in a victim-offender dialogue. The program is relatively new and the response from all parties so far has been 100 percent positive. However, most of the offenders who participated are still in prison, so it is not yet possible to determine if the dialogues changed their criminal behavior. Still, prison staff report that offenders who have participated in victim-offender dialogues in prison are more relaxed and well-adjusted and are less likely to pose management challenges that can disrupt the safety and security of the facility and/or delay their release date.

### *Offender Accountability Letters:*

Success of offender accountability letters are gauged on victim response. Because the letter program is confidential, victims are not required to comment. The victim programs manager often follows up with victims who have received the letters. The victim programs manager reports that the responses have been positive.



**RESTORATIVE JUSTICE INVENTORY**

*For the Law and Justice Interim Committee*

*2011-2012 Interim*

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**Primary Points of Contact**

Sally Hilander, Victim Programs Manager, (406) 444-7461, shilander@mt.gov

Bob Anez, Communications Director, (406) 444-0409, banez@mt.gov

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# Montana Department of Corrections

## Victim Restitution Program



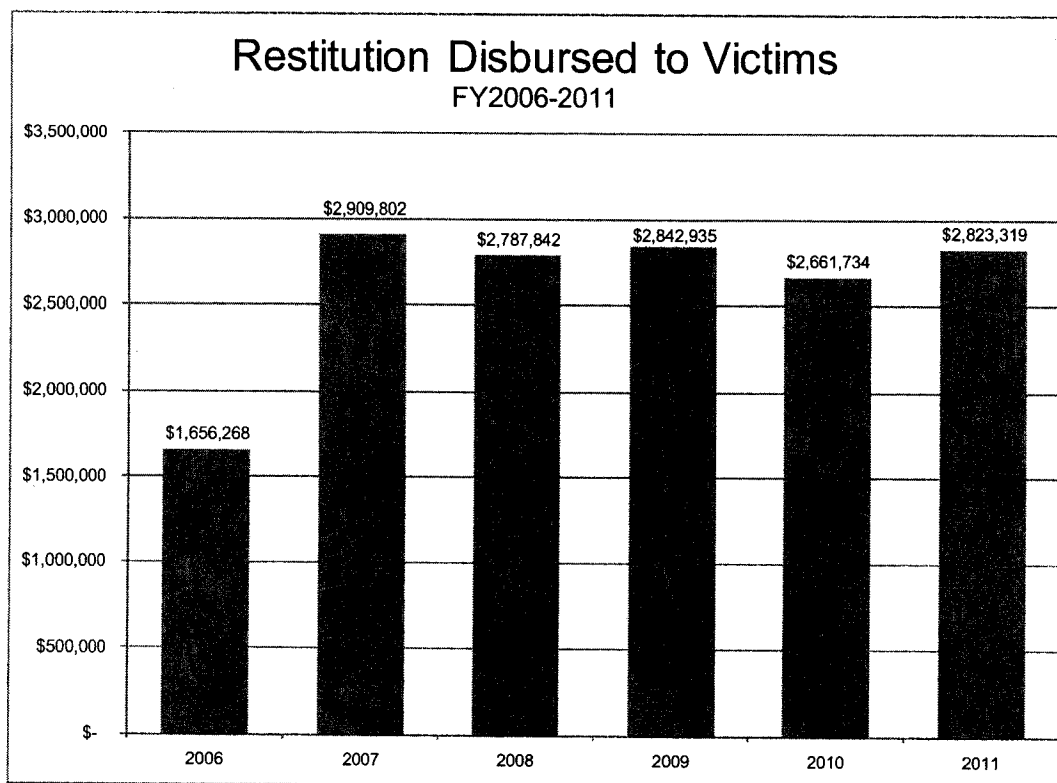
The 2003 Legislature directed the Department of Corrections to assume the responsibility for collecting court-ordered victim restitution payments from offenders.

The task previously had been done by the clerks of courts or county attorneys' offices. This resulted in multiple methods of collection and lawmakers felt victims would be better served if the collection of restitution was consolidated and a consistent process was developed to address the collection and disbursement of funds. Advocates also believed that more money would be collected if the department responsible for supervising offenders also was responsible for the collection of restitution from those offenders.

The department initially received authorization for four FTE to handle the new duties – one collections manager and three collections technicians. The agency began collecting the payments on Oct. 1, 2003. In its first year of operation, the collection unit increased the amount of restitution collected by 55 percent, to \$2.8 million.

The department's collection unit disburses about \$2.6 million per year to victims of crime and manages about 26,000 restitution cases. (Offenders remain obligated to pay restitution even after they complete their sentences.) In the past six fiscal years, the department has disbursed \$15.7 million to victims. (Figure 1)

Figure 1



**Attachment A**



The 2005 Legislature transferred the responsibility of collecting court-ordered supervision fees from the county clerks of court to the department's collection unit. That legislation also added four staff to the unit.

The unit has eight staff members. It is financed with restitution and supervision administrative fees paid by the offenders. No general fund is used to support this function. Collection of restitution fees does not affect the level of restitution payments to victims.

In the past six fiscal years, the department has collected \$1.5 million in restitution fees to help operate the collections unit. (Figure 2)

In fiscal year 2011, the department collected \$4.12 million in restitution, supervision fees and administrative fees. Sixty-eight percent (\$2.82 million) of that was given to victims as restitution in compliance with court orders. Another \$816,191 was used to help pay for the cost of offenders' community supervision and the remaining \$479,698 covered the costs of operating the collections unit.

Figure 2

